

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM STEFANIAK and )  
JANICE STEFANIAK, )  
 )  
Plaintiffs )

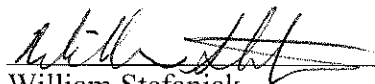
v. )


CIVIL ACTION NO. 05-11465-MLW

)  
VOYAGER III, LLC, )  
WATER TRANSPORTATION )  
ALTERNATIVES, INC., )  
NEW ENGLAND AQUARIUM )  
CORPORATION, and )  
NEW ENGLAND AQUARIUM )  
MARINE LIFE CENTER, INC., )  
 )  
Defendants )

**DEFENDANT'S LR 16.1(D)(3) CERTIFICATION**

Pursuant to Local Rule 16.1(D)(3) we certify that we have conferred with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

  
William Stefaniak  
12 North Street  
Leominster, MA 01453

  
DAVID B. KAPLAN  
**THE KAPLAN/BOND GROUP**  
88 Black Falcon Avenue, Suite 301  
Boston, MA 02210  
(617) 261-0080  
BBO# 258540

Date: October 1, 2005